



# PUBLIC NOTICE

**File Number: NRS 14.305**

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Pursuant to Chapter 0400-4-7 of the Department's rules, the proposed activity described below has been submitted for approval under an Aquatic Resource Alteration Permit and §401 Water Quality Certification. This notice is intended to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. No decision has been made whether to issue or deny this application.

**APPLICANT:** Jeff Browning, Principal  
Browning Development Solutions  
P.O. Box 2725  
Brentwood, TN 37216  
(615) 376-8844

**LOCATION:** The project is located on Interstate Drive and South Walnut Avenue , Cookeville, Putnam County, TN, Latitude 36.140579; Longitude -85.510072.

**PROJECT DESCRIPTION:** The proposed project consists of the construction of an approximately 265,000 square foot retail development on a 40 acre parcel on Interstate Drive in Cookeville, TN. The proposed development will consist of national tenants and is expected to generate approximately 40 million in infrastructure value, over 600 new jobs and 2.4 million annually in local tax revenue.

The construction of the development will result in the placement of fill in 2.70 acres of exceptional Tennessee Waters (ETW) and 0.56 acres of non-ETW wetlands. The Department has determined that these impacts will be above the level of *de- minimis*.

Pursuant to -40-03-.06 ANTIDEGRADTION STATEMENT. In waters identified as Exceptional Tennessee Waters, an activity that would cause degradation of habitat above the level of *de minimis* will only be authorized if the applicant demonstrates to the Department that reasonable alternatives to degradation are not feasible and the degradation is necessary to accommodate important economic or social development in the area and will not violate water quality criteria for uses existing in the receiving waters.

The applicant has submitted an alternative analysis and social and economic justification for the proposed impacts. The department has reviewed this information and determined that the proposed activity is necessary to accommodate important economic or social development in the area.

**Within 30 (thirty) days after the date of this Public Notice, any affected intergovernmental coordination agency of affected third person may petition the Board for a declaratory order under T.C.A. § 4-5-223, and the Board shall convene a contested case.**

This notice will serve as the Department's Public Notice requirement of this determination as required under Rule 0400-40-03-.06 –m 4(d) 1.

**The application, including the proposed compensatory wetland mitigation, is noticed separately in this Public Notice.**

**DEGRADATION:** In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), the division has determined that the proposed activities will result in above a *de minimis* level of degradation to water quality.

**WATERSHED / WATERBODY DESCRIPTION:** The proposed project lies within the HUC 05130108. More information can be found at:

<http://tn.gov/environment/article/wr-ws-caney-fork-river-watershed>.

**PERMIT COORDINATOR:** Mike Lee

**FACTORS CONSIDERED:** In deciding whether to issue or deny a permit, the department will consider all comments of record and the requirements of applicable federal and state laws. In making this decision, a determination will be made regarding the lost value of the resource compared to the value of any proposed mitigation. The department shall consider practicable alternatives to the alteration. The department shall also consider loss of waters or habitat, diminishment in biological diversity, cumulative or secondary impacts to the water resource, and adverse impact to unique, high quality, or impaired waters.

**COMMENTING:** Persons wishing to comment on the proposal are invited to submit written comments to the department. Written comments must be received within **thirty days of the date that this notice is posted**. Comments will become part of the record and will be considered in the final decision. The applicant's name and permit number should be referenced. Send all written comments to the department's address listed below and to the attention of the permit coordinator.

**PUBLIC HEARING:** The division shall conduct a Public Hearing on the application, the social and economic justification and alternative analysis (The application, including the proposed compensatory wetland mitigation, is noticed separately in this Public Notice) on Thursday, December 3, 2015 at 5:00 CST. The hearing shall be held in the Conference Room at the Tennessee Department of Environment and Conservation Cookeville Environmental Field Office, 1221 South Willow Avenue, Cookeville, TN 3850, (931)-432- 4015

**APPEAL:** A permit appeal may be filed, pursuant to T.C.A. §§ 69-3-105(i) and Rule 0400-40-05, by the permit applicant or by any aggrieved person who participated in the public comment period announced by this notice. This petition must be filed within THIRTY (30) DAYS after public notice of the issuance of the permit. The petition must specify what provisions are being appealed and the basis for the appeal. It should be addressed to the technical secretary of the Tennessee Board of Water Quality, Oil and Gas at the following address: Tisha Calabrese Benton, Director, Division of Water Resources, William R. Snodgrass Tennessee Tower, 312

Rosa L. Parks Ave, 11<sup>th</sup> floor, Nashville, TN 37243. Any hearing would be in accordance with T.C.A. §§69-3-110 and 4-5-301 et seq.

**FILE REVIEW:** The permit application, supporting documentation including detailed plans and maps, and related comments are available at the department's address (listed below) for review and/or copying.

Tennessee Department of Environment & Conservation  
Division of Water Resources, Natural Resources Unit  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Avenue, 11th Floor  
Nashville, Tennessee 37243